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FILED  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

APR 21 10:01 AM '08  
 CLERK, U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1205

UNITED STATES OF AMERICA,

Plaintiff,

v.

Miguel Angel MONTES-Moran

Defendant.

BY: 

Magistrate Case No. \_\_\_\_\_

DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section

1324(a)(2)(B)(iii)-

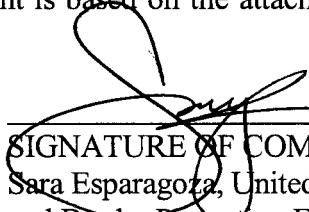
Bringing in Illegal Aliens

Without Presentation

The undersigned complainant being duly sworn states:

On or about **April 17, 2008**, within the Southern District of California, defendant **Miguel Angel MONTES-Moran**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Karla NICOLAS-Gonzalez, Marilyn GUZMAN-Marcial** and **Erika Edith SUAREZ-Bandera**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT  
 Sara Esparagoza, United States Customs  
 and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **21<sup>st</sup>** day of **April, 2008**.

  
 UNITED STATES MAGISTRATE JUDGE

I, United States Customs and Border Protection (CBP) Enforcement Officer Elizabeth Rangel-Machuca, declare under penalty of perjury the following to be true and correct:

The complainant states that **Karla Nicolas-Gonzalez, Marilyn Guzman-Marcial and Erika Edith Suarez-Bandera** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that Their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

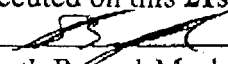
On April 17, 2008, at about 9:17 p.m., **Miguel Angel MONTES-Moran (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the sole visible driver of a 1998 Volkswagen Jetta. Upon inspection before a United States Customs and Border Protection (CBP) Officer, Defendant presented as his own a Form DSP-150 (Border Crossing Card) bearing the name Jose Jesus Hernandez Veloz. The CBP Officer notice Defendant did not resemble the photo on the document. The CBP Officer requested that Defendant open the trunk of the vehicle. Once the the trunk opened, the CBP Officer observed several human beings. The CBP Officer requested assistance from officers. Officers responded, taking custody of the Defendant and escorting him to the security office for initial intake process. The vehicle was driven to the secondary along with concealed individuals for further inspection.

In secondary, Defendant was determined to be and impostors to the Border Crossing Card. Further examination of the vehicle led to the discovery of four (4) females hidden inside the trunk of the vehicle. The four (4) females were extracted from the trunk and were determined to be undocumented aliens, citizens of Mexico. Three (3) of the four (4) undocumented aliens were retained as a material witness and are now identified as **Maria Karla Nicolas-Gonzalez (MW1), Marilyn Guzman-Marcial (MW2) and Erika Edith Suarez-Bandera.**

During a videotaped proceeding, Defendant was advised of his Miranda Rights and elected to submit to questioning without benefit to counsel. Defendant admitted to presenting a document, not rightfully issued to him. Defendant admitted he was aware of at least one undocumented alien concealed inside the trunk. Defendant admitted he agreed to drive and deliver the vehicle and undocumented alien to an unknown location in California. Defendant admitted in return he would receive a payment of \$400.00 USD for the smuggling act.

On a separate videotaped interview, Material witnesses admitted they are citizen of Mexico without legal rights to enter the United States. Material witnesses admitted they made smuggling arrangements and agree to pay a fee ranging from \$2,300.00 and \$4,500.00 to be smuggled in the United States. Material witnesses admitted they intended to live and seek employment in the United States.

Executed on this 21st day of April 2008 at 1300.

  
Elizabeth Rangel-Machuca / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of ( 1 ) page(s), I find probable cause to believe that the defendant named therein committed the offense on April 17, 2008 in violation of Title 8, United States Code, Section 1324.

  
United States Magistrate Judge

4/19/08 @ 8:37  
DATE / TIME

a.m.